

REMARKS

In the Office Action, the Examiner rejected Claims 1-8, 10-16 and 21-24, which were all of the then pending claims, under 35 U.S.C. 103 as being unpatentable over U.S. Patent 6,253,193 (Ginter, et al.) in view of U.S. Patent 6,744,894 (Saito). Claim 22 was further rejected under 35 U.S.C. 112.

Independent Claims 1, 2, 3, 10 and 13 are being amended to improve the form and readability of these claims. Claim 21 is being amended to correct the dependency of the claim, and to make an editorial change. New Claim 25, which is dependent from Claim 1, is being added to describe a preferred feature of the invention.

For the reasons set for the below, the Examiner is requested to reconsider and to withdraw the rejection of Claims 1-8, 10-16 and 21-24 under 35 U.S.C. 103 and the rejection of Claim 22 under 35 U.S.C. 112, and to allow Claims 1-8, 10-16 and 21-25.

In rejecting Claim 22 under 35 U.S.C. 112, the Examiner commented that this claim is dependent on Claim 20, which has been cancelled. After reviewing all of the claims, Applicants note that Claim 22 is dependent from Claim 11, which is pending. At the same time, it was noted that Claim 21 was dependent from Claim 20, and Claim 21 is thus being amended to be dependent from Claim 1 and to change "content generator" to "server" to be consistent with the language of Claim 1.

In light of the above-discussion, Claim 22 is clear and definite, and the Examiner is asked to reconsider and to withdraw the rejection of Claim 22 under 35 U.S.C. 112.

In addition, all of Claims 1-8, 10-16 and 21-24 patentably distinguish over the prior art because that prior art does not disclose or suggest the use of recognition data as described in

Claims 1, 2, 3, 10 and 13 – that is, recognition in an IC charge card to identify, and thus to help charge for, data object that was sent to a client computer.

More particularly, the present invention relates to a system and method for charging users for copying or using digital data. In a preferred embodiment, a server machine generates digital data content that is delivered to a client machine. This content may be of several types, such as audio, video, static image, or text; and the content may be delivered to the client machine in various ways, such as over a network, or by a data recording medium. In addition, the server writes "electronic money" into an IC card that can be used to pay for the use of the generated content by the client machine. The client machine then uses the delivered digital data content, and the IC card is used to pay for the use of that data.

The IC card is also provided with data, referred to as recognition data, that helps to identify the type of the digital data used by the client machine. This information is used to help determine how much the user should be charged for use of the data. Charging or payment information can be written into the IC card. Preferably, both the content sent to the client machine and the IC card are provided with this recognition data. In this way, this data can be used by the client machine to identify the type of data the object data is, and also the recognition data from the IC card can be used in the payment process.

Ginter describes a procedure for secure electronic transaction management. One procedure is referred to as virtual distribution environment, or VDE. While Ginter mentions "metering" and "pricing levels," this reference is directed more to controlling the use of proprietary information, rather than ensuring proper payment for that use.

In rejecting the claims, the Examiner specifically cited column 3, lines 20-50 and

column 22, lines 20-35 of Ginter. The former section is a high level discussion of VDE and identifies a number of broad features of the system. The latter section of Ginter describes, also at a high level, hardware components of VDE. Neither of these sections of Ginter discloses, for example, an IC card having recognition data that is used to recognize the type of object data in the content sent to the client machine.

Saito also does not disclose this feature of the present invention. More particularly, Saito discloses a data encryption procedure to ensure data security in a computer network system. The Examiner specifically cited column 4, lines 5-40 of Saito; however, this section of Saito describes the use of a secret key and a public key to encrypt and then decrypt data. Here too, there is no teaching of the use of an IC card of the above-discussed type.

Each of independent Claims 1, 2, 3, 10 and 13 describes this feature of the present invention. In particular, each of these claims describes the features that an IC card includes this recognition data, and that this data is used to identify and determine the charge for the object data sent to the client machine.

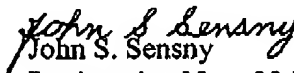
The other references of record have been reviewed, and these other references, whether considered individually or in combination, also do not disclose or suggest the use of this IC card as described in Claims 1, 2, 3, 10 and 13.

Because of the above-discussed differences between Claims 1, 2, 3, 10 and 13 and the prior art, and because of the advantages associated with these differences, Claims 1, 2, 3, 10 and 13 patentably distinguish over the prior art and are allowable. Claims 21, 24 and 25 are dependent from, and are allowable with, Claim 1; and Claims 4-8 are dependent from Claim 3 and are allowable therewith. Also, Claims 11, 12, 22 and 23 are dependent from Claim 10 and are allowable therewith; and Claims 14-16 are dependent from, and are allowable with,

Claim 13. The Examiner is, accordingly, respectfully asked to reconsider and to withdraw the rejection of Claims 1-8, 10-16 and 20-24.

For the reasons advanced above, the Examiner is requested to reconsider and to withdraw the rejection of Claim 22 under 35 U.S.C. 112 and the rejection of Claims 1-8, 10-16 and 20-24 under 35 U.S.C. 103, and to allow Claims 1-8, 10-16 and 20-25. If the Examiner believes that a telephone conference with Applicants' Attorneys would be advantageous to the disposition of this case, the Examiner is asked to telephone the undersigned.

Respectfully submitted,


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